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AMATEUR RADIO®

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MEMORANDUM

To: Senate Commerce, Science and Transportation Committee Members
From: ARRL, the national association for Amateur Radio
Re: Misleading Information Concerning S.1685, the Amateur Radio Parity Act of 2015.
Date: November 11, 2015

S.1685, the Amateur Radio Parity Act of 2015, would extend to all types of land use regulation - municipal and private - a very flexible, 30-year-old FCC regulatory policy intended to protect the strong Federal interest in Amateur Radio communications. At the same time, the legislation would fully protect the jurisdiction and processes of homeowners' associations (HOAs) in deed-restricted communities.

We have recently noted some misinformation being disseminated to HOAs concerning this legislation. We would like to correct this misinformation.

It has been asserted that this legislation would deprive HOAs of the authority to require prior approval or to have uniform rules for installation of amateur radio antennas. That is false. S.1685 preserves homeowners' association jurisdiction completely. The *only* obligation of an HOA in the administration of private land use regulations would be the same as that applicable to municipal land use regulators now: the HOA: (1) could not preclude Amateur Radio communications; (2) it must reasonably accommodate Amateur Radio communications; and (3) the HOA regulations must constitute the minimum practicable regulation of Amateur Radio facilities consistent with the HOA's legitimate purpose (i.e. aesthetics). How that is done *in each and every case would be left to the good faith discretion of the HOA*, just as municipal antenna regulation is left to the fair and reasonable discretion of municipal land use regulators now. The FCC would not make any adjudications whatsoever.

It is claimed that S.1685 would deprive HOAs of the right to apply a "critical approval process to ensure compliance with community architectural standards; including safety and aesthetic guidelines." This is completely false as well. There is nothing in S.1685 which would prohibit HOA review or approval of Amateur Radio antennas or alter existing HOA standards unless the standard is a complete prohibition of Amateur Radio antennas. The question in each case, with respect to each parcel of residential real property, is what is reasonable with respect to *that parcel*. That decision in every case is made by the HOA, premised on good faith negotiation with the FCC-licensed Amateur Radio operator.

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